



H.J.Res. 52 - Making Continuing Appropriations for the Fiscal Year 2008

EXECUTIVE SUMMARY

H.J.Res. 52 will fund government programs through November 16, 2007. The current appropriations Acts expire on September 30, 2007. Therefore, a Continuing Resolution (CR) is necessary to avoid a government shutdown.

This CR also extends a number of programs that are expiring at the conclusion of this fiscal year, such as Trade Adjustment Assistance, U.S. Interagency Council on Homelessness, and SCHIP through the period of the continuing resolution.

FLOOR SITUATION

H.J.Res. 52 is being considered on the floor pursuant to a closed rule. The rule:

- Provides one hour of general debate equally divided and controlled by the Chairman and Ranking Republican Member of the Appropriations Committee.
- Waives all points of order against consideration of the bill except those arising under clause 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

H.J.Res. 52, the Making Continuing Appropriations for the Fiscal Year 2008, was introduced by Representative David Obey (D-WI) on September 25, 2007.

The bill is expected to be considered on the floor on September 26, 2007.

BACKGROUND

Prior to consideration of the Democrat budget resolution in the House and Senate, OMB Director Rob Portman stated in a letter to Congress: "Because the budget will set the framework for consideration of fiscal year 2008 appropriations bills, it is timely to notify you that I will recommend the President veto any appropriations bills that exceeds his request until Congress

demonstrates a sustainable path that keeps discretionary spending within the President's topline of \$933 billion."

The House of Representatives passed all 12 appropriations bills prior to the August recess, despite promises by Democrats that all bills would be completed by July 4th. The President has announced he will veto all but four of them (Defense, Legislative Branch, Financial Services, and Military/Veterans) as a result of funding levels exceeding his requests. House appropriations bills are \$22 billion above the President's request, which is in addition to \$17 billion in additional spending Democrats added to the emergency supplemental in May (PL 110-28).

Appropriations Bill	FY'08 House Proposal	FY'08 Administration Request	FY'07 Enacted	% Change from FY07	Vote/Date
State-Foreign Ops**	\$34.2	\$34.9	\$31.3	9.3%	241-178 (6/22/07)
Transportation-HUD**	\$50.7	\$47.9	\$47.5	6.7%	268-153 (7/24/07)
Labor-HHS-Education**	\$151.7	\$140.9	\$144.5	5.0%	276-140 (7/19/07)
Interior-Environment**	\$27.6	\$25.7	\$26.4	4.5%	272-155 (6/27/07)
Energy & Water**	\$31.6	\$30.5	\$30.3	4.3%	312-112 (7/17/07)
Mil Con-VA	\$64.7	\$60.7	\$49.7	30.2%	409-2 (6/15/07)
DHS**	\$36.2	\$34.2	\$31.9	13.5%	268-150 (6/15/07)
Leg Branch	\$4.0	\$4.3	\$3.8	5.3%	216-176 (6/22/07)
Financial Services	\$21.4	\$21.6	\$19.5	9.7%	240-179 (6/28/07)
CJS**	\$53.5	\$51.2	\$50.3	6.4%	281-142 (7/26/07)
DOD	\$459.3	\$462.9	\$419.6	9.5%	395-13 (8/05/07)
Agriculture	\$18.8	\$17.84	\$17.77	5.7%	237-18 (8/02/07)

To date, the Senate has only passed four appropriations bills (Transportation, State, Military/Veterans, and Homeland Security). The President has announced he will veto all but the Military/Veterans Appropriations Bill if sent to his desk.

**Note: While the State-Foreign Operations Bill is below the President's 302(b) allocation, the President issued a veto threat as a result of provisions that would weaken current policies on abortion.*

The Fiscal Year 2007 continuing resolution (PL 110-5), which was passed at the beginning of the 110th Congress, expires on September 30, 2007. In addition, the Department of Defense Appropriations Act, 2007 and the Department of Homeland Security Appropriations Act, 2007 expire on September 20, 2007. In order to avoid a government shutdown, passage of another CR is necessary.

SUMMARY

The continuing resolution will fund the government through November 16, 2007.

The legislation also (partial list):

- Extends until November 16, 2007, Department of Agriculture assistance payments to the owners of rental, congregate, or cooperative housing in order to make available to low-income occupants of such housing rentals for one year. (Section 114)
- Extends cotton classification services until November 16, 2007. Under the Cotton Statistics and Estimates Act, the Secretary of Agriculture is required to make cotton classification services available to producers of cotton and provide for the collection of classification fees from participating producers, or agents who voluntarily agree to collect and remit the fees on behalf of producers. (Section 115)
- Extends the Authority of the Secretary of Agriculture to set a cap on level of income an individual can earn and still receive certain federal agriculture assistance. (Section 116)
- Extends the current fee authority of the Patent and Trademark office until November 16, 2007. This authority was previously extended in the current CR and language to further extend it was passed in the House Commerce-State-Justice Appropriations Bill. (Section 117)
- Extends the authority, for the period of the CR or passage of the Defense Authorization bill, for the Secretary of Defense to use funds for the Commanders' Emergency Response Program and for a similar program to assist the people of Afghanistan. This authority was originally granted in the National Defense Authorization Act for Fiscal Year 2006. (Section 118)
- Extends the authority for service members to designate multiple beneficiaries to receive death gratuity benefits until the enactment of the National Defense Authorization Act for Fiscal Year 2008. (Section 119)

**Note: The House passed the DOD Authorization Act (H.R. 1585) on May 17, 2007. The Senate has not yet passed similar legislation, although it has been debated on the Senate floor.*

- Extends a provision that allows the Secretary of Defense to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism. (Section 120)
- Extends a joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities until passage of a new defense authorization act or November 16, 2007. (Section 121)
- Extends the authority for the Secretary of Defense to pay for the travel, subsistence, and similar personal expenses of defense personnel of developing countries in connection with the attendance of such personnel at a bilateral or regional conference, seminar, or similar meeting if the Secretary determines that the attendance of such personnel at such conference, seminar, or similar meeting is in the national security interests of the United States. (Section 122)

- Appropriates \$5.2 billion for a Mine Resistant Ambush Protected Vehicle Fund, which shall be used for vehicle procurement, research and development, and maintenance. (Section 123)
- Extends the authorization for the Appalachian Regional Commission until November 16, 2007. The authorization for the programs within the Commission currently terminate on October 1, 2007. (Section 124)
- Extends authority for the Delta Regional Commission until November 16, 2007. The authority currently expires on October 1, 2007. (Section 125)
- Allows for a transfer of \$484,000 to the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects. The funds are to be refunded upon the Energy and Water Appropriations bill being signed into law. (Section 126)
- Makes adjustments to accommodate the transfer of to Board of Contract Appeals functions the GSA. (Section 127)
- Allows the District of Columbia to expend funds collected through local DC taxes at the rate requested in the Fiscal Year 2008 Proposed Budget and Financial Plan submitted to the Congress. This is required by the District of Columbia in order to expend funds at the appropriate rate. (Section 128)
- Extends the franchise fund pilot programs until November 16, 2007. These funds are set up to provide administrative support services to agencies when it is determined that the services can be provided more efficiently through such a fund than by other means. (Section 129)
- Extends the demonstration project for the referral of Uniformed Services Employment and Reemployment Rights Act claims against federal agencies to the Office of Special Counsel until November 16, 2007. The demonstration project is currently scheduled to terminate on September 30, 2007. (Section 130)
- Allows funds made available for United States Customs and Border Protection for training, hiring and equipping new border patrol agents at a rate that doesn't exceed what is necessary to sustain the level of agents in the final quarter of FY 2007. Additionally, the bill allows the Secretary of DHS obligate funds for the average monthly number of detention bed spaces in use during September 2007. (Sections 131 and 132)
- Suspends a provision in law that prohibits funding for Presidentially-designated protectees. (Section 133)

**Note: Currently, the law prohibits the funds appropriated to the United States Secret Service to be made available for the protection of a person, other than persons granted protection under section 3056(a) of title 18, which include the following individuals and*

their immediate families: The President, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, the Vice President-elect. Additionally, those granted protection would include former Presidents and their spouses, children of a former President who are under 16 years of age, visiting heads of foreign states or foreign governments, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad, and major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates.

- Extends the authority for the Republic of Palau to receive funds under certain federal programs. (Section 134)
- Extends Trade Adjustment Assistance for workers until November 16, 2007. TAA currently expires on September 30, 2007. (Section 135)
- Extends the Children's Health Insurance Program (CHIP) as it is currently structured, until either the program is reauthorized or until the expiration of this Continuing Resolution. The bill also includes a mechanism for redistributing any unallocated funds to states with estimated funding shortfalls for fiscal year 2008. (Section 136)

**Note: The President is expected to veto SCHIP legislation that passed the House on September 25, 2007. This legislation provided an unjustified expansion of SCHIP and funded the expansion through large tax increases.*

- Provides \$165,200 for the widow of Senator Craig Thomas and the widow of Representative Paul Gilmor. (Section 137)
- Extends the current billing rates for non-service connected health care for Veterans until November 16, 2007. This will allow the VA to continue to take in collections for these non-service connected health care programs in order to pay for medical services. (Section 138)
- Provides \$5,626,000 for the Department of Defense Base Closure Account of 2005. (Section 139)
- Allows the VA to expend funds for Information Technology Systems under a new account structure. (Section 140)
- Continues funding for fiscal year 2008 for the Department of Veterans Affairs to reimburse state and local agencies for certain administrative costs associated with approval of institutions to provide Veterans Readjustment Benefits. (Section 141)

**Note: This program has a permanent authorization of \$13 million which received an additional appropriation of \$6 million for fiscal year 2007, and this provision will continue the program's current funding level through the period of the CR.*

- Extends the authorization for the Overseas Private Investment Corporation (OPIC). (Section 142)
- Provides \$4,435,013,000 for Diplomatic and Consular Programs, which includes at least \$778,449,000 for worldwide security upgrades. (Section 143)
- Extends the authorization for the U.S. Interagency Council on Homelessness to either November 16, 2007 or the date of a new authorization for the McKinney-Vento Homelessness Act. (Section 144)
- Allows the Secretary of Housing and Urban Development to insure and enter into commitments to insure mortgages under a home equity conversion mortgages program. (Section 146)
- Extends assistance to public housing agencies until November 16, 2007, for the HOPE VI program. The current program terminates on September 30, 2007. (Section 147)

**Note: According to 12 USC 1715z, the purpose of this program includes: (1) improving the living environment for public housing residents of severely distressed public housing projects through the demolition, rehabilitation, reconfiguration, or replacement of obsolete public housing projects (or portions thereof); (2) revitalizing sites (including remaining public housing dwelling units) on which such public housing projects are located and contributing to the improvement of the surrounding neighborhood; (3) providing housing that will avoid or decrease the concentration of very low-income families; and (4) building sustainable communities.*

- Provide funding for the airport improvement program during the period of the CR at the FY2007 level. (Section 148)
- Extends the current rates of the excise taxes that finance the Airport and Airway Trust Fund and allows these receipts to be expended for the period of the CR. (Section 149)

COST

A cost estimate for H.J.Res. 52 from the Congressional Budget Office (CBO) were not available at the time of publication.

STAFF CONTACT

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